

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

WAYNE SNITZKY, <i>Pro Se</i> ,)	Case No.: 1:07 CV 240
)	
Petitioner)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
WARDEN BEIGHTLER, Warden,)	
)	
Respondent)	<u>ORDER</u>

On January 29, 2007, Petitioner Wayne Snitzky (“Petitioner” or “Snitzky”), *pro se*, filed a Petition for Writ of Habeas Corpus (“Petition,” ECF No. 1), pursuant to 28 U.S.C. § 2254, challenging the constitutionality of his state court conviction, in which he pled guilty to one count of murder in violation of O.R.C. § 2903.02. (*See* Petition at 1; Court of Common Pleas Judgment Entry, ECF No. 1-2, at 1.) This court referred the case to Magistrate Judge Kenneth McHargh for preparation of a Report and Recommendation. (ECF No. 4.) The Magistrate Judge submitted his Report and Recommendation on March 20, 2008, recommending that Snitzky’s Petition be denied as untimely filed. (ECF No. 9.)

As of the date of this Order, Petitioner has not filed objections to the Report and Recommendation, which were due on April 3, 2008. By failing to do so, he has waived the right to

appeal the Magistrate Judge's recommendation. *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The court finds, after careful review of the Magistrate Judge's Report and Recommendation and all other relevant documents, that the Magistrate Judge's conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own the Magistrate Judge's Report and Recommendation. (ECF No. 9.)

Consequently, Snitzky's Petition is hereby denied, and final judgment is entered in favor of Respondent. The court further certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

April 8, 2008